

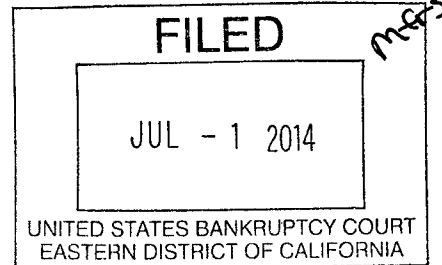
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re:) Case No. 14-21740-C-7
)
CAROL M. DEXTER,) Adversary No. 14-2098
)
)
Debtor(s).)

CAROL M. DEXTER,
Plaintiff(s),
v.

XEROX EDUCATION SERVICES, LLC,
a Delaware Company d.b.a. ACS
EDUCATION SERVICES, et al.,
Defendant(s).



PRETRIAL SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16 and
Federal Rule of Bankruptcy Procedure 7016, the following schedule
shall be followed in this adversary proceeding:

Pretrial conference: December 10, 2014; 1:30 p.m.
Designation of experts: September 26, 2014
Close of discovery: November 10, 2014
Plaintiff's pretrial
statement: November 26, 2014
Defendant's pretrial
statement: December 3, 2014

JURISDICTION

Federal subject-matter jurisdiction over this adversary proceeding is founded on 28 U.S.C. § 1334. This proceeding is a core proceeding that a bankruptcy judge may hear and determine. 28 U.S.C. § 157(b). To the extent that it is ever determined to be other than a core proceeding that a bankruptcy judge may hear and determine, the parties nevertheless are agreed that it may be heard and determined by a bankruptcy judge.

DISCOVERY

Discovery in this proceeding shall be completed by the date set forth above. The word "completed" means that all discovery shall have been conducted so that all depositions have been taken, interrogatories answered, documents produced, admissions made, and any disputes relative to discovery shall have been raised by appropriate timely motion.

DISCLOSURE OF EXPERT TESTIMONY

Experts shall be disclosed in accordance with Federal Rule of Civil Procedure 26(a)(2) not later than the date set forth above; supplementation shall be in accordance with Federal Rule of Civil Procedure 26(e)(2). Fed. R. Civ. P. 26, incorporated by Fed. R. Bankr. P. 7026.

DISCOVERY DISPUTES

Discovery disputes may be raised pursuant to Federal Rules of Civil Procedure 26 and 37, as incorporated by Federal Rules of Bankruptcy Procedure 7026 and 7037. The court

1 emphasizes the duty imposed by Federal Rule of Civil Procedure
2 37(a)(1) to certify good faith efforts to resolve the dispute
3 without court action.

4 If a party files a motion presenting a discovery
5 dispute, the times specified in Local Rule 9014-1 are hereby
6 shortened, so that, unless specially set by the court on request
7 directed through the courtroom deputy clerk, any hearing on a
8 discovery dispute may be set on a law and motion calendar on not
9 less than three calendar days from the date of service of the
10 notice and supporting papers. Motions presenting disputes
11 relating to the conduct of depositions may be made orally at the
12 time of the deposition by contacting the courtroom deputy clerk,
13 who will make arrangements for the undersigned judge to appear by
14 telephone on the record of the deposition to make all appropriate
15 rulings.

16 If a party files a motion presenting a discovery
17 dispute, evidence from both parties of their fees and expenses
18 incurred in preparation of the motion must be presented so the
19 court may make an expense award contemporaneously with its ruling
20 on the discovery motion, as contemplated by, e.g., Federal Rule
21 of Civil Procedure 37(a)(4). The parties are reminded that the
22 court regards the expense award provisions of Rule 37 as costs of
23 doing business in the discovery dispute arena and not as
24 "sanctions." Polo Bldg. Group, Inc. v. Rakita (In re Shubov),
25 253 B.R. 540, 549-50 (9th Cir. BAP 2000).

1 PRETRIAL CONFERENCE

2 A pretrial conference will be held on the date set
3 forth above in Department C, 501 I Street, 6th Floor, Sacramento,
4 California. Counsel are cautioned that the counsel appearing for
5 pretrial must be the trial counsel. A party may appear by way of
6 telephone provided the party notifies Court Call Conference,
7 1-866-582-6878, at least three days prior to the scheduled
8 conference. Failure to be at the telephone number provided will
9 be treated as a failure to appear and may subject the party to
10 sanctions.

11
12 PRETRIAL STATEMENTS

13 Pretrial statements must be filed and served on the
14 dates set forth above. Plaintiff and defendant shall file a
15 final, joint statement of undisputed facts (which may merely
16 adopt the undisputed facts listed in the pretrial statements) at
17 least seven calendar days prior to the scheduled pretrial
18 conference.

19 Each pretrial statement shall state the name of the
20 party or parties on whose behalf it is presented and set forth
21 the nature of the action and the following matters, under the
22 following captions, and in the following order:

23 (1) Undisputed Facts. A plain, concise statement of
24 the facts that are undisputed.

25 (2) Disputed Factual Issues. A plain, concise
26 statement of each fact (and any related essential facts) that the
27 party claims or concedes to be in dispute.

28 (3) Disputed Evidentiary Issues. A plain, concise

1 summary of any reasonably anticipated disputes concerning
2 admissibility of evidence.

3 (4) Relief Sought. The elements of monetary damage,
4 if any, and the specific nature of any other relief sought.

5 (5) Points of Law. A statement of the legal theory
6 or theories of recovery or of defense and of any points of law
7 (substantive or procedural) that are or may reasonably be
8 expected to be in controversy, citing the pertinent statutes,
9 rules, cases, and other authorities relied upon. Extended legal
10 argument is not required in the pretrial statement.

11 (6) Abandoned Issues. A statement of all issues
12 raised by the pleadings that have been abandoned, including, for
13 example, claims for relief and defenses.

14 (7) Witnesses. A list of names, and, if not
15 previously provided, addresses and telephone numbers of all
16 prospective witnesses, separately identifying those the party
17 expects to present and those it may call if the need arises.
18 Only witnesses so listed will be permitted to testify at trial
19 (note that the court construes the "solely for impeachment"
20 exception to Fed. R. Civ. P. 26(a)(3)(A), incorporated by Fed. R.
21 Bankr. P. 7026, narrowly; when in doubt, disclose -- you are
22 warned). Unless otherwise directed, the alternate direct
23 testimony procedure under Local Bankruptcy Rule 9017-1, which
24 requires direct testimony of certain witnesses initially to be in
25 writing, will be used at trial, with the witness subjected to
26 live cross-examination.

27 (8) Exhibits - Schedules and Summaries. A list of
28 documents or other exhibits that the party expects to offer at

1 trial. Only exhibits so listed will be permitted to be offered
2 at trial, except as may be otherwise provided in the pretrial
3 order.

4 (9) Discovery Documents. A list of all depositions,
5 answers to interrogatories, and responses to requests for
6 admissions that the party expects to offer at trial.

7 (10) Further Discovery or Motions. Any requests for
8 further discovery or pretrial motions shall set forth the grounds
9 for relief from this court's order setting a termination date for
10 discovery in advance of the pretrial conference. Motions for
11 relief from this order are not likely to be granted absent a
12 strong showing of cause.

13 (11) Stipulations. Any stipulations requested or
14 offered for pretrial or trial purposes.

15 (12) Amendments - Dismissals. Any requested
16 amendments to pleadings, dismissals, additions, or substitutions
17 of parties.

18 (13) Agreed Statements. A statement whether
19 presentation of all or part of the action upon an Agreed
20 Statement of Facts is feasible and advisable.

21 (14) Attorney's Fees. A statement whether attorney's
22 fees are sought and the basis therefor.

23 (15) Miscellaneous. Any other appropriate comments,
24 suggestions, or information that might aid in the disposition of
25 the action, including reference to any matters set forth in
26 Federal Rule of Civil Procedure 16(c), as incorporated by Federal
27 Rule of Bankruptcy Procedure 7016.

JURY DEMANDS

If a party believes it is entitled of right to trial by jury on an issue in this proceeding, such party must have demanded trial by jury pursuant to the provisions of Federal Rules of Civil Procedure 38 and 81(c)(3), which apply in this proceeding by virtue of Federal Rule of Bankruptcy Procedure 9015. Such a demand must have been made in the manner, and within the time, specified at Federal Rules of Civil Procedure 38(b) and 81(c)(3).

TRIAL

The trial of this proceeding will be set at the pretrial conference. It is anticipated that the trial will be held within two to six weeks from the date of the pretrial conference.

Dated: June 30, 2014.



UNITED STATES BANKRUPTCY JUDGE

**INSTRUCTIONS TO CLERK OF COURT
SERVICE LIST**

The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties:

Julian McMillan
2751 Roosevelt Rd #204
San Diego CA 92106

Barry H. Spitzer
980 9th Street, Suite 380
Sacramento CA 95814